

REMARKS

Applicants have reviewed the Application in light of the final Office Action dated November 26, 2008. Claims 1-35 are pending in the application. Claims 17-23 and 32-35 were previously withdrawn from consideration. Claims 1-16 and 24-31 stand rejected. The Advisory Actions of February 11, 2009 and February 26, 2009 maintain these rejections. Applicants respectfully request reconsideration of the application in accordance with the following remarks.

Examiner Interview Summary

Applicants thank the Examiner for the courtesy of the telephone interview held on February 18, 2009 ("the February 18th Interview"). Examiner Mary Da Zhi Wang Cheung and Applicants' representatives, Spencer C. Patterson and J. Kyle Komenda, participated in the interview. In the interview the status of the claims were discussed, specifically, the rejections based on the HomeTracker Lender Center Workflow Manual, Version 2.0 ("the HomeTracker Manual").

In the interview, the HomeTracker Manual was discussed in light of the September 8, 2008 ("the September Declaration") and January 26, 2009 ("the January Declaration") declarations of Lydia Chase submitted under 37 CFR 1.132. In this discussion, the Examiner indicated that the HomeTracker Manual could be withdrawn as prior art under 35 U.S.C. 102 upon Applicants' submittal of evidence 1) corroborating the September Declaration's representation that the HomeTracker Manual was misdated January 20, 2003, 2) attesting that no earlier version of the HomeTracker Manual is known to exist, and 3) explaining the nature of "authorized users" referenced in the HomeTracker Manual.

Remarks

The Advisory Actions of February 11, 2009 and February 26, 2009 indicate that the January Declaration will not be entered in that it was submitted after a final action. Applicants note that the February 25, 2009 of Lydia Chase under 37 CFR 1.132 ("the February Declaration"), submitted concurrently herewith, incorporates the full substance of the January Declaration while supplementing the January Declaration with additional sworn representations

responsive to the February 18th Interview. Applicants also incorporate the arguments made in Applicants' Response in Reply to Final Action. Accordingly, Applicants respectfully renew their request for withdrawal of rejections based on the HomeTracker Manual.

Further Interview

If the Examiner determines that a further interview would be helpful, Applicants stand ready to participate in such an interview. J. Kyle Komenda can be reached at (214) 292-4055 and Spencer C. Patterson can be reached at (214) 292-4082 to discuss the matter further.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. It is believed that all of the pending claims have been addressed. Applicants note that the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all claims.

If the present application is not allowed and/or if one or more of the rejections is maintained, Applicants hereby request a telephone conference with the Examiner and further request that the Examiner contact the undersigned attorney to schedule the telephone conference.

A Request for Continued Examination, and any fees required for filing same, are being filed and submitted concurrently herewith. Applicants believe no other fees to be due, however, the Commissioner is hereby authorized to charge any fees or credit any overpayments to deposit account 06-1050, referencing the above attorney-docket number.

Respectfully submitted,

Date: February 26, 2009

PTO Customer No. 26231
Fish & Richardson P.C.
1717 Main Street, Suite 5000
Dallas, TX 75201
Telephone: (214) 747-5070
Facsimile: (877) 769-7945

J. Kyle Komenda/
J. Kyle Komenda
Reg. No. 56,556